

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ORGANIC SEDIMENT REMOVAL SYSTEMS,)
LIMITED LIABILITY COMPANY, a Wisconsin)
Limited Liability Company,)

Plaintiff,)

No. 08 C 976

Judge Aspen

BRIAN PIRL and MIDWEST CAPS &)
ACCESSORIES, INC., d/b/a AQUA VAC INC.,)
an Illinois corporation,)

Magistrate Judge Nolan

Defendants.)

**AGREED MOTION FOR ENLARGEMENT OF TIME TO FILE DEFENDANTS'
REPLY IN SUPPORT OF THEIR MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendants, Brian Pirl and Midwest Caps & Accessories, Inc., d/b/a Aqua Vac Inc., by their attorneys, David S. Wayne, Hal R. Morris and Jenifer H. Caracciolo (Arnstein & Lehr LLP, *of counsel*), and by agreement with Plaintiff's counsel, respectfully request this Court to enter an Order extending the time Defendants have to file their reply brief in support of their Motion to Dismiss Plaintiff's Complaint, up to and including June 9, 2008. In support of this Motion, Defendants state as follows:

1. On May 1, 2008, Defendants filed a Motion to Dismiss Plaintiff's nine-count complaint.

2. On May 2, 2008, this Court entered an order setting the following briefing schedule: Plaintiff to respond to Defendants' motion to dismiss on or before 5/20/2008, and defendants to reply by 5/30/2008. Ruling is set for 7/3/2008 at 10:30 a.m.

3. Defendants need a brief extension to June 9, 2008, to file their reply brief in support of their motion to dismiss. This extension will not upset the previously scheduled ruling date of 7/3/08.

4. Plaintiff's counsel has no objection to Defendants' request for this brief extension.

5. Defendants are filing this motion in good faith and not for the purpose of delay.

WHEREFORE, Defendants, Brian Pirl and Midwest Caps & Accessories, Inc., d/b/a Aqua Vac Inc. request that this Court enter an order extending the time to file their reply brief in support of their motion to dismiss until June 9, 2008, and for any other relief this Court deems to be just and equitable.

Respectfully submitted,

BRIAN PIRL and MIDWEST CAPS &
ACCESSORIES, INC., d/b/a US AQUA VAC,
INC.

By: /s/Jenifer H. Caracciolo
One of their attorneys

David S. Wayne (ARDC #6238327)
Hal R. Morris (ARDC #6191047)
Jenifer H. Caracciolo (ARDC #6280221)
Arnstein & Lehr, LLP (*of counsel*)
120 S. Riverside Plaza
Suite 1200
Chicago, IL 60606
(312) 876-7100

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on May 30, 2008, s/he electronically filed the foregoing Agreed Motion for Enlargement of Time with the clerk of the United States District Court for the Northern District of Illinois using the CM/ECF electronic filing system, which electronically served notification and a copy of such filing to:

Lisa D Johnson lisa.johnson@hklaw.com

Robert H. Lang rhlang@hklaw.com

Trisha Michelle Rich trisha.rich@hklaw.com

/s/Jenifer H. Caracciolo